

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday June 8, 2015 at 10:00 a.m.
Indiana Government Center-South, Room W064
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 11:30 a.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Diana Bonn
Gary Odell
Rebecca Bushong

Board Members Absent:

Joseph Barsic, Vice President
David Demuth

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Philip Thompson, Board Advisory Counsel, Office of the Attorney General
Jeanne Tucker, Inspector, Indiana Professional Licensing Agency
Lana Conroy, Inspector, Indiana Professional Licensing Agency

II. ADOPTION OF THE AMENDED AGENDA

The agenda was adopted as amended.

Bonn/O'Dell
4/0/0
Motion carried.

III. ADOPTION OF THE MINUTES FROM THE MARCH 16, 2015 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the March 16, 2015 meeting.

Bonn/O'Dell
4/0/0
Motion carried.

IV. ADMINISTRATIVE HEARINGS TO CONSIDER MODIFICATION OF PROBATION

A. Administrative Hearing in the Matter of Alex Nguyen, MA29502004, Cause No. ISBC 01-00 & 01-44

A motion was made and seconded to withdraw probation.

Bonn/O'Dell
4/0/0
Motion carried.

V. ADMINISTRATIVE HEARINGS

A. Administrative Hearing in the Matter of Urban Masterpiece Barber Shop, BS21200062, Cause No. SBCBE 14-102A

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
4/0/0
Motion carried.

B. Administrative Hearing in the Matter of Terry J. Edmond, BA10800141, Cause No. SBCBE 14-103A

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
4/0/0
Motion carried.

C. Administrative Hearing in the Matter of Hobart Nail & Spa, EH31300023, Cause No. SBCBE 14-108A

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
4/0/0
Motion carried.

D. Administrative Hearing in the Matter of Wonder Nails, MS30600705, Cause No. SBCBE 14-147

A motion was made and seconded to find Respondent in violation of six counts, impose a fine of \$1000.00 per violation for a total of \$6000.00 payable within six months, impose the costs of proceedings, impose the \$5 fee to the health records and personal identifying information protection trust fund, and maintain probation with no right to petition for removal of probation for a period of one year.

Bonn/Bushong
4/0/0
Motion carried.

E. Administrative Hearing in the Matter of Euranus Eugene Dyson, BA10900033, Cause No. SBCBE 14-110

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
4/0/0
Motion carried.

F. Administrative Hearing in the Matter of Panache Day Spa, BS30801906, Cause No. SBCBE 14-151

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
4/0/0
Motion carried.

G. Administrative Hearing in the Matter of Davi Nails #4631, MS31200002, Cause No. SBCBE 14-153

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
5/0/0
Motion carried.

VI. OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report filed.

VII. CONSIDERATION OF PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

A. Danny E. Crossley, CA11000005, BI11100004 , SBCBE 14-107A

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

B. Cali Spa Inc., BS21200026, SBCBE 14-109A

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

C. J Nails, MS30802486, SBCBE 14-101

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

VIII. CONSIDERATION OF APPLICATION FOR BEAUTY CULTURE SCHOOL LICENSE IN THE MATTER OF TRICOCI UNIVERSITY OF BEAUTY CULTURE, 639 COLUMBIA STREET, LAFAYETTE, IN

A motion was made and seconded to approve the application filed to offer cosmetology, manicuring, esthetics, and instructor courses pending approved inspection.

O'Dell/Bushong
4/0/0
Motion carried.

IX. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE'S ORDERS

A. Carole Jensen, MA20300036, SBCBE 14-109

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/Bushong
4/0/0
Motion carried.

B. Meiling Liu, SBCBE 14-154

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/Bushong
4/0/0
Motion carried.

C. Magaly Carbajal, SBCBE 14-157

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/Bushong
4/0/0
Motion carried.

X. CONSIDERATION OF OBJECTION TO ADMINISTRATIVE LAW JUDGE'S ORDER IN THE MATTER OF VANETA SHOULDER, SBCBE 14-156

A motion was made and seconded to remand the matter to the full board for reconsideration.

Bushong/Bonn
4/0/1
Motion carried.

XI. CONSIDERATION OF NOTICES OF PROPOSED DISMISSAL

A. Alberta Davis, ES21100012, SBCBE 14-80

A motion was made and seconded to issue a Notice of Dismissal.

Bonn/Bushong
4/0/0
Motion carried.

B. Dana Tu Huynh, SBCBE 14-155

A motion was made and seconded to issue a Notice of Dismissal.

Bonn/Bushong
4/0/0
Motion carried.

C. Anh Nguyet Thi Phan, SBCBE 14-158

A motion was made and seconded to issue a Notice of Dismissal.

Bonn/Bushong
4/0/0
Motion carried.

**XII. PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL
IN THE MATTER OF**

A. Donna Lee Miner, BC02382672

A motion was made and seconded to deny for failure to appear and failed to provide documentation.

Bonn/O'Dell
4/0/0
Motion carried.

B. Miranda M. Loos, BC21012812

A motion was made and seconded to deny for failure to appear.

Bonn/O'Dell
4/0/0
Motion carried.

C. Sarah (Ludwig) Williams, BC20000332

A motion was made and seconded to deny for failure to appear.

Bonn/O'Dell
4/0/0
Motion carried.

D. O.P. Nails, MS30500558

A motion was made and seconded to approve renewal.

Bonn/Bushong
4/0/0
Motion carried.

E. Terrance Carlton, BA11100032

A motion was made and seconded to approve renewal of license on indefinite probation with no right to petition for removal of probation until completed criminal probation.

Bonn/O'Dell
4/0/0
Motion carried.

F. Nichole Ashley-Ann Gruss, MA21100355

A motion was made and seconded to approve renewal of license on indefinite probation with no right to petition for removal of probation until completed criminal probation.

Bonn/O'Dell
4/0/0
Motion carried.

XIII. CONSIDERATION OF UNTIMELY PETITION FOR REVIEW OF LICENSE RENEWAL IN THE MATTER OF FRANCIS HAIR SALON, BS39500706

A motion was made and seconded to grant the petition for review because she showed good cause even though the petition was filed untimely.

Bushong/Bonn
4/0/0
Motion carried.

XIV. REQUEST FOR WAIVER OF 820 IAC 2-2-3 OR 820 IAC 8-2-20, PASSING THE EXAMINATION WITHIN THREE YEARS OF GRADUATION

A. Jeana D. Hickman

A motion was made and seconded to approve the request and allow six months to pass the examination.

Bushong/Bonn
4/0/0
Motion carried.

B. Ashley T. Gaetz

A motion was made and seconded to approve the request and allow six months to pass the examination.

Bushong/Bonn
4/0/0
Motion carried.

XV. DISCUSSION REGARDING UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF POSTSECONDARY EDUCATION CORRESPONDENCE FOR COMPLIANCE WITH FEDERAL GUIDELINES TO ALLOW BEAUTY CULTURE SCHOOLS TO ACCEPT FEDERAL FUNDS

A motion was made and seconded to consider all licensed beauty culture schools not located in secondary schools as post secondary schools.

Bonn/O'Dell
3/0/1
Motion carried.

XVI. CONSIDERATION OF PROPOSED RULE DRAFT REGARDING BEAUTY CULTURE PROFESSIONALS, BEAUTY CULTURE SCHOOLS, AND BEAUTY CULTURE SALONS

A motion was made and seconded to approve the final draft with Dr. Bushong's corrections that will be e-mailed to the agency.

Bushong/Bonn
4/0/0
Motion carried.

XVII. APPLICATION COMMITTEE REPORT

A motion was made and seconded to accept the application committee report as follows.

Bonn/Bushong
4/0/0
Motion carried.

COSMETOLOGY

A. By Examination

- Ervin, Angela E. - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Fellers, Faith - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Hays, Jennifer - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Herrera, Aracely – Tabled, pending proof of Social Security number.
- James, Dusty Lee Ann - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Jones, Kimberly - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Long, Beth Ann - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- McCowen, Tameka - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Price, Amanda Jean - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. Reciprocity

- Dang, Nhung – Denied, IC 25-1-11-19(b)(1), fraudulent documentation
- Dinh, Thuy Duong Thi - Denied, IC 25-8-4(a)(2), not substantially equivalent
- Gonzalez, Gerardo - Denied, IC 25-8-4(a)(2), not substantially equivalent
- Htaw, Yin - Denied, IC 25-1-11-19(b)(1), fraudulent documentation
- Lin, Senren - Denied, IC 25-1-11-19(b)(1), fraudulent documentation
- Nguyen, Khanh - Denied, IC 25-8-4(a)(2), not substantially equivalent
- Nguyen, Trinh Thi - Denied, IC 25-1-11-19(b)(1), fraudulent documentation
- Pham, Bich Dao - Denied, IC 25-8-4(a)(2), not substantially equivalent
- Wilhelm, Jean Louise – Denied, IC 25-8-4-2(a)(2), not substantially equivalent

Wisconsin

- Tran, Anthony – Denied, IC 25-8-4(a)(2), not substantially equivalent

C. Provisional

- Chavez (Ayala), Paola – TABLED pending transcripts and name change verification.
- Jahovic, Marija - Denied, IC 25-8-4-2.9(b)(1)
- Milenkovic, Olgica – Denied, IC 25-8-4-2.9(b)(1)
- Romero Flores, Diana Gabriela - Approved on PROBATION with no right to petition for withdrawal of probation for one year.
- Sanchez Garcia, Blanca Ivette - Approved on PROBATION with no right to petition for withdrawal of probation for one year.

INSTRUCTOR

A. By Examination:

- Willis, Gail - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

MANICURIST

A. By Reciprocity

- Duncan, Retha E. - Denied, IC 25-8-4-2(a)(1), license is not valid.
- Hong, Thuy Dung - Denied, IC 25-1-11-19(b)(1), fraudulent documentation
- Mangel, Lynn – Denied, IC 25-1-11-19(b)(1), pending litigation is another state.

ESTHETICIAN APPLICATIONS

A. By Reciprocity

- Boyd, Selina P. – Tabled, pending proof of experience in a salon.

BARBER APPLICATIONS

A. By Examination

- Moore, Antonio - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Reeves, Odell – Denied, IC 25-1-11-19(a)(1)(B)

B. Provisional

- Velez, Bonifacio - Approved on PROBATION with no right to petition for withdrawal of probation for one year.

FACILITY APPLICATIONS

A. Beauty Culture Salon

- 5 Star Nails, 17227 Mercantile Boulevard, Noblesville, IN 46060 – Denied due to failed inspection.
- A Step Beyond, 433 West Paulding, Ft. Wayne, IN 46807 - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Ashley-Ann Mobile Salon, 6903 Hartzel Road, Ft. Wayne, IN 46816 - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Cali Nails, 138 W. Hively Avenue #5, Elkhart, IN 46517 - Denied due to failed inspection.
- Le Nail, 4542 Calumet Avenue, Hammond, IN 46327 - Denied due to failed inspection.
- Nail Bar LLC, 8970 East 96th Street, Fishers, IN 46037 – Denied as ownership is not clear and lease is not signed or notarized.
- P&A Beauty Salon, 550 173rd Street, Hammond, IN 46324 - Denied due to failed inspection.
- Salon 31, 6132 East 46th Street, Indianaapolis, IN 46226 – APPROVED
- Show Hand Nails LLC, 399 Plainfield Commons Drive, Plainfield, IN 46168 - APPROVED
- Venus Spa Nails, 1121 Cumberland Crossing, Valparaiso, IN 46383 - APPROVED

XVIII. ADJOURNMENT

The meeting adjourned at 4:54 p.m.